



MINUTES OF
COUNCIL MEETING, NOVEMBER 18, 2014
CIVIC SQUARE, COUNCIL CHAMBERS
60 EAST MAIN STREET

Council met in Committee-of-the-Whole closed to the public at 6:13 p.m. and in open session at 7:02 p.m. on the above date.

His Worship Mayor Barry Sharpe in the Chair.

Members Present:

Councillors M. Belcastro, F. Champion, M. Carl, P. Chiochio, T. DiMarco, P. Grenier, M.A. Grimaldi, J. Larouche, R. Letourneau, D. McLeod, M. Petrachenko and B. Wright.

Members of Staff and Others Present:

Acting City Manager, R. Mantesso
Deputy Clerk, L. Bubanko
Chief, Fire & Emergency Services, D. Prevost
General Manager, Infrastructure Services/City Engineer, S. Iannello
General Manager, Corporate Services/Treasurer, S. Zorbas
General Manager, Integrated Services, J. Loveys Smith
Records Clerk, C. Viger (7:02 p.m.)

(Rob Little, Solicitor, Hicks Morley was present during Committee-of-the-Whole discussions on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and receiving of advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose).

14-25 Moved by Larouche and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND meet, with the Mayor as Chair, in Committee-of-the-Whole closed to the public at 6:13 p.m. to consider:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

14-25 Moved by Letourneau and McLeod

THAT THE COUNCIL OF THE CITY OF WELLAND arise from its closed Committee-of-the-Whole meeting at 6:32 p.m. with report.

CARRIED

THE FOLLOWING ITEMS WERE DELETED:

14-102

14-102Z Report P&B-2014-58 from Gen. Mgr., Integrated Services, J. Loveys Smith - Application for Official Plan Amendment and Application for Zoning By-law Amendment - Julie Zenovia Maliskevich and Edward Luska for lands at 142 and 144A Thorold Road - Part Township Lot 241 and Part Township Lot 241, being Parts 2 and 3 on Plan 59R-3923 (File OPA and 2014-04).

14-102 A By-law to authorize the adoption of Official Plan Amendment No. 8.

14-102Z A By-law to amend City of Welland Zoning By-law 2667 (Julie Zenovia Maliskevich and Edward Luska – File 2014-04) 142 Thorold Road and 144A Thorold Road.

DELEGATIONS:

06-156 Barry Lutzer, owner, Niagara Pet Corner and Dr. Campbell, Veterinarian, addressed Council regarding regulating the sale of dogs, cats and rabbits at retail stores.

06-156 Amanda Ellis, Manager of Enforcement Services, Welland & District Humane Society, addressed Council regarding regulating the sale of dogs, cats and rabbits at retail stores.

06-156 Keith Burgess, Pet Industry Advisory Council of Canada, addressed Council regarding regulating the sale of dogs, cats and rabbits at retail stores.

06-156 Kasey Dunn, founder and Jenny Storey, The Social Petwork, addressed Council regarding banning the sale of pets in stores.

14-1 Moved by McLeod and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND hereby approves and adopts the minutes of the Regular Council Meeting of October 7, 2014, as circulated.

CARRIED

02-160 Moved by Belcastro and DiMarco
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Ombudsman Report received on Monday, November 10, 2014, and refers the Report to staff for report back to Council on implementation of the Ombudsman's recommendations.

CARRIED

06-84 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Welland Senior Citizens Advisory Committee dated October 6, 2014 regarding the proposed Bill C-356, An Act Respecting a National Strategy for Dementia.

CARRIED

06-84 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Welland Senior Citizens Advisory Committee dated October 7, 2014 regarding Foyer Richelieu's application for 2 additional bed licences.

CARRIED

06-131 Moved by Larouche and Petrachenko
 THAT THE COUNCIL OF THE CITY OF WELLAND approves the Exemption to Part Lot Control for Blocks 1, 8 and 9, Plan 59M-404 (10, 20, 29, 30, 38, 39, 45, 46, 54 and 55 Coyle Court) to realize the six (6) freehold triplex dwelling units and four (4) street townhouse dwelling units on these lands; and further THAT Welland City Council authorizes staff to prepare the necessary By-law.

CARRIED

06-156 Moved by Petrachenko and Chiocchio
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Barry Lutzer, owner, Niagara Pet Corner and Dr. Campbell, Veterinarian, and related petition, regarding regulating the sale of dogs, cats and rabbits at retail stores.

CARRIED

06-156 Moved by Grimaldi and McLeod
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Amanda Ellis, Manager of Enforcement Services, Welland & District Humane Society regarding regulating the sale of dogs, cats and rabbits at retail stores.

CARRIED

06-156 Moved by Letourneau and Wright
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Keith Burgess, Pet Industry Joint Advisory Council of Canada regarding regulating the sale of dogs, cats and rabbits at retail stores.

CARRIED

06-156 Moved by Carl and Wright
 THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Kasey Dunn, founder and Jenny Storey, The Social Petwork regarding banning the sale of pets in stores.

CARRIED

06-156 Moved by Grenier and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2014-13: Regulating the Sale of Cats, Dogs and Rabbits; and further

THAT Welland City Council approves the regulation of sale of Cats, Dogs and Rabbits in pet stores and Flea Markets unless they are obtained from a registered shelter, rescue group, the Welland and District Humane Society or any place approved by the Welland and District Humane Society; and further

THAT Welland City Council authorizes staff to amend Schedule "A" and Schedule "B" of the Business Licence By-law 2011-173 as per Appendix I and III, respectively; and further

THAT Welland City Council authorizes to add Schedule 10 to the Business Licence By-law 2011-173 as per Appendix II; and further

THAT Welland City Council authorizes staff to amend By-law 2006-193 User Fee By-law to include the addition of Pet Shops as follows:

- Pet Shop - Application Fee \$25.00
- Pet Shop - By-law Inspection Fee \$30.00
- Pet Shop - Yearly Renewal Fee \$25.00.

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06-156 Moved by Campion and Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND amends the recommendation of Report TRAF-2014-13: Regulating the Sale of Cats, Dogs and Rabbits by deleting the final paragraph regarding user fees.

LOST

06-156 Moved by Carl and Grenier

THAT THE COUNCIL OF THE CITY OF WELLAND amends the recommendation of Report TRAF-2014-13: Regulating the Sale of Cats, Dogs and Rabbits by changing all three applicable fees to \$10.00 each.

LOST

FOLLOWING THE LOST VOTES ON THE AMENDING MOTIONS, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND CARRIED

10-130 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Niagara Regional Housing (NRH) received November 5, 2014 regarding the NRH 2014 3rd Quarter Report.

CARRIED

14-4 Moved by Grenier and Larouche

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the results of the Corporation of the City of Welland 2013 Municipal Performance Measurement Program (MPMP).

CARRIED

14-10 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND extends the term of citizen appointments to Committees of Council beyond November 30, 2014 with said appointments continuing until such time as new members are appointed by Council.

CARRIED

14-13 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND approves the recommendations contained in Report TRANS-2014-11, for the purchase of one (1) large accessible bus from Nova Bus, a division of Volvo Group Canada Inc., through the Joint Procurement Initiative at a cost of \$441,691 plus applicable taxes; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws and agreements to enter into an agreement with Nova Bus, a division of Volvo Group Canada Inc., for the purchase of a new bus.

CARRIED

14-13 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report TRANS-2014-10: Supply and Install One (1) New Fuel Dispenser and Remove the Existing Fuel Dispenser at the Transit Facility, and approves the purchase of one (1) new fuel dispenser and removal of the existing dispenser from the Transit facility from Castle Mechanical being the lowest tender submitted who met the specifications at a tendered price of \$58,970.05 plus applicable taxes, as funded through the 2013 Enterprise Transit Budget; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into contract with Castle Mechanical to execute the sale.

CARRIED

14-13 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the City of St. Catharines dated October 15, 2014 regarding the GO Rail expansion to Niagara.

CARRIED

14-15 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report F&ES-2014-04: Award of Contract, Tanker Fire Apparatus; and further

THAT Welland City Council authorizes the Mayor and the Clerk to execute a contract with Arnprior Fire Trucks Corp. of Arnprior, Ontario, in the amount of \$467,675.10 before applicable taxes, for the supply of one Fire Tanker Apparatus that meets the requirements stated in the City's Request for Proposal Document and generally as proposed by Arnprior Fire Trucks in their response to that proposal request and subsequent clarifications and price adjustments; and further

THAT Welland City Council directs that such contract is conditional on the Fire Chief being satisfied; with the outcome of the pre-build engineering meeting; and with the completed apparatus and chassis performance at the pre-delivery and post-delivery inspections and testing; and further

THAT Welland City Council authorizes the Fire Chief and other City staff, as might be required, to attend the requisite engineering and inspection meetings at the apparatus fabricator's shop in Arnprior Ontario; and further

THAT Welland City Council authorizes the allocation of the necessary additional monies from the Fire Equipment Reserve to fund the budget shortfall on this project.

CARRIED

14-19 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND approves the naming of the Sculpture Park, located adjacent to the Welland Community Wellness Complex, to the Rod Dowling Sculpture Park; and further

THAT Welland City Council authorizes staff to prepare the appropriate By-law.

CARRIED

14-22 Moved by Grenier and Belcastro

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2014-14: Update to Traffic and Parking By-law 89-2000; and further
THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "XXXIV" - Residential Parking Permit Only

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
Braden Avenue	Both Sides	Tamarack Street	Glendale Drive	ANYTIME
Tamarack Street	Both Sides	Braden Avenue	McNab Drive	ANYTIME

DELETE the following from Schedule "XXXV" – Part II – Provincial Offences Act

Item	Column 1	Column 2	Column 3
	Short Form Wording – Set Fines	Provision Creating or Defining Offence	Set Fine
19	Park vehicle where parking machines display expired/no ticket	3.9 (1) g, i	\$25.00

ADD the following to Schedule "XXXV" – Part II – Provincial Offences Act

Item	Column 1	Column 2	Column 3
	Short Form Wording – Set Fines	Provision Creating or Defining Offence	Set Fine
19	Park displaying expired/no ticket – Private Property	3.9 (1) g, i	\$14.00

CARRIED

14-61 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report HR-2014-04: 2013 Annual General Report for information purposes only.

CARRIED

14-110 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2014-62 to enact a By-law to designate Blocks 34 and 35, Plan 59M-286 to be deemed not to be within a registered plan of subdivision; and further

THAT Welland City Council authorizes staff to prepare the necessary By-law and register the Deeming By-law on Title against Blocks 34 and 35, Plan 59M-286.

CARRIED

14-111 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report HR-2014-05: GiantFM Advertising Campaign "Voice of Welland" for information purposes only.

CARRIED

BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE

14-106 Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND declares surplus to the City's needs approximately 899.3 square metres (9,680.3 square feet) of land located immediately south of 18 Morwood Avenue; and further

THAT Welland City Council accepts an Offer of \$10,000.00 from Mr. Scott Van Driel to purchase the subject lands to be added to lands municipally known as 18 Morwood Avenue; and further

THAT Welland City Council authorizes staff to prepare the necessary By-law(s) and documentation.

CARRIED

BY-LAWS

Moved by Petrachenko and Carl

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

14-2

BYL 2014 - 143

A By-law to amend Business Licensing By-law 2011-173.

14-38

BYL 2014 - 144

A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality; and to repeal By-law 2014-44.

14-22

BYL 2014 - 145

A By-law to amend By-law 89-2000, being a By-law regulating Traffic and Parking within the City of Welland (Schedules "XXXIV" and "XXXV").

CARRIED

Moved by Larouche and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-laws, as reproduced in this evening's Council Agenda, as amended, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

14-13

BYL 2014 – 146

A By-law to authorize acceptance of tender from Castle Mechanical for the supply and installation of a fuel dispenser and removal of the existing dispenser at the transit facility.

14-13

BYL 2014 – 147

A By-law to authorize purchase of one large accessible transit bus.

06-131

BYL 2014 - 148

A By-law to exempt certain lands from Part-Lot Control - 10, 20, 29, 30, 38, 39, 45, 46, 54 and 55 Coyle Court, in the Coyle Creek Estates Phase 6 Subdivision (Blocks 1, 8 and 9, Plan 59M-404), City of Welland.

14-110

BYL 2014 - 149

A By-law to designate Blocks 34 and 35 Plan 59M-286 to be deemed not to be within a registered plan of subdivision.

14-19

BYL 2014 - 150

A By-law to name the Sculpture Park adjacent to the Welland Community Wellness Complex to Rod Dowling Sculpture Park.

14-15

BYL 2014 – 151

A By-law to authorize the purchase of one Fire Tanker Apparatus from Arnprior Fire Trucks Corp.

14-106

BYL 2014 - 152

A By-law to authorize acceptance of an offer from Scott Van Driel for the sale of vacant land immediately south of 18 Morwood Avenue.

CARRIED

Moved by Chiocchio and Petrachenko

THAT THE COUNCIL OF THE CITY OF WELLAND having given due consideration to the following By-law, as reproduced in this evening's Council Agenda, now read a first, second and third time and pass same, and authorize the Mayor and Clerk to sign and seal same.

14-1

BYL 2014 - 153

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 18th day of November, 2014.

CARRIED

Council adjourned at 10:06 p.m.

These Minutes approved and adopted by Motion of Council this 2nd day of December, 2014.

MAYOR

CITY CLERK